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September 10, 2024

VIA ECF

Hon. Cathy Seibel
United States District Judge
Southern District of New York
300 Quarropas Street
White Plains, NY 10601-4150

      Re: *Pamela Wimbish & Patricia Onken v. IBM*, No.: 23-cv-8327

Dear Judge Seibel:

The parties jointly request that the Court extend the current September 11, 2024 deadline for "[a]ny party contemplating a motion for summary judgment" to "submit a pre-motion letter, in accordance with this Court's individual practices" until after (i) expert discovery is complete and (ii) the Court has resolved Plaintiffs' forthcoming request for leave to amend their Complaint. (*See* ECF No. 27.) Defendant International Business Machines, Inc. intends to move this Court for summary judgment in this matter and, by agreement of the parties, proposes to do so after the close of expert discovery and after Plaintiffs have amended their Complaint, should the Court grant leave for them to do so. This is the parties' first request to extend the Court's pre-motion letter deadline.

The parties to the above-captioned matter recently submitted, and the Court thereafter endorsed, an expert discovery schedule providing that all expert discovery shall conclude on January 10, 2025. (ECF Nos. 30 and 32.) Plaintiffs subsequently indicated via pre-motion letter that they intend to seek leave to amend their Complaint, a request to be discussed at the September 25, 2024 Case Management Conference. (ECF Nos. 30, 31.) In light of the present posture, and consistent with Attorney Lucas Buzzard's August 29, 2024 e-mail correspondence with the Clerk of the Court, we request that pre-motion summary judgment letters are due after expert discovery and after a decision from the Court on Plaintiffs' anticipated motion to amend their Complaint.

      Respectfully submitted,

      /s/ *Erika D. Cagney*
      Erika D. Cagney

cc: All Counsel of Record (via ECF)

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